Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

SHEFFIELD WSC, 841 Pine Street, Sheffield, Pecos County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 14, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$525

Amount Deferred for Expedited Settlement: \$0 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$525 Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and April 2014

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: March 23, 2015 through April 3, 2015 and April 7, 2015

Date(s) of NOE(s): April 3, 2015 and April 10, 2015

Violation Information

- 1. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director ("ED") and failed to provide public notification and provide a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples [30 Tex. Admin. Code §§ 290.117(c)(2)(C) and (i)(1) and 290.122(c)(2)(A) and (f)].
- 2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)].
- 3. Failed to provide the public notification and submit a copy of the public notification to the ED regarding the failure to conduct routine coliform monitoring [30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
- 4. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10247 for calendar year 2013 [30 Tex. Admin Code § 291.76 and Tex. Water Code § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;

- ii. Provide public notification regarding the failure to collect lead and copper samples for the January 1, 2012 through December 31, 2014 monitoring period and the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012, and provide a copy of each public notification to the ED;
- iii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 or the most current year to each customer of the Facility;
- iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected at approved sample locations, analyzed by an approved laboratory, and the results reported to the ED within ten days following the end of each monitoring period; and
- v. Submit payment for all outstanding regulatory assessment fees for TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10247 for calendar year 2013.
- b. Within 45 days:
- i. Submit written certification to demonstrate compliance with a.i. through a.iv.; and
- ii. Submit a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
- c. Within 60 days, submit written certification to demonstrate compliance with b.ii.;
- d. Within 90 days, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the ED within ten days of the month following the end of the monitoring period. This provision will be satisfied upon one annual compliant monitoring period.
- e. Within 470 days, submit written certification to demonstrate compliance with d.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2571; Candy Garrett, Enforcement Division, MC 219, (512)

239-1456

TCEQ SEP Coordinator: N/A

Respondent: Cody Yarbrough, President, SHEFFIELD WATER SUPPLY

CORPORATION, P.O. Box 303, Sheffield, Texas 79781

Respondent's Attorney: N/A

				1 .
	Penalty Calculation	Marksheet (PC	(///	· .
	Penalty Calculation	I WOLKSHEEL (I C	v.v.)	20 2008
			PCW Revision Octob	ier 30, 2008
Policy Revision 2 (Sep	:ember 2002)			
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Respondent	HEFFIELD WATER SUPPLY CORPORATION			
Reg. Ent. Ref. No.	N101452340	(10)	Minor	
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Facility/Site Region 7	-Mulailu	hannani (arratina takatani nje	• :	
CASE INFORMATION _			1	7
CASE IN ORMAILON	.0344	No. of Violations	1	
Enf./Case ID No.	70344	Order Type	Findings	
Docket No. 2	2015-0535-PWS-E	Government/Non-Profit	Yes	
Media Program(s)	Public Water Supply	Government/Non-Front	Dunn Byor	
Media Program(5)		Enf. Coordinator	Ryan byei	
Multi-Media		EC's Team	Enforcement Team 2	
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Tradeco and the transfer				
	No deferral is recommended f	for Findings Orders.		
Notes	No deferral is recommended,		1	

PAYABLE PENALTY

\$105

PCW

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent SHEFFIELD WATER SUPPLY CORPORATION

Case ID No. 50344

Reg. Ent. Reference No. RN101452340

Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enton Number Here	A
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Enter Number Here	15%
	Other written NOVs	0	004
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	. 0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)		0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
epeat Violator (S	Adjustment Perc	entage (Subto	otal 2)
N/A	Adjustment Perc	entage (Subt	ta/ 21
ompliance Histor	ry Person Classification (Subtotal 7)	cirtage (Subtt	rtal 3)
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Compliance History Notes	Enhancement for three NOVs with the same/similar violation and a reduction for Hi classification.	gh Performer	

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Respondent SHEFFELD WATER SUPPLY CORPORATION Reg. Ent. Reference No. SM 101452340 Media [Statute] - Duble Water Supply Enf. Coordinator Ryan Byer Violation Number Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) Falled to mail or directly deliver one copy of the Consumer Confidence Report (**CCK*) to each bill paying customer by July 1 of each year and railed to submit to the CCR by Supply of the Sunse Corp. of the Consumer Confidence Report (**CCK*) to each bill paying customer by July 1 of each year and railed to submit to the CCR by Supply of the Sunse Corp. of t		ening Date			t No. 2015-0535-PWS-E		PCW
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Media Statute Public Water Supply Enf. Coordinator Sym Byer Violation Number Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)						PCW Revision	October 30, 2008
Section Property and Human Health Matrix Percent 10%							;
Violation Number 1 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)	Fnf. C	a [Statute] Coordinator	Ryan Ryer				:
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			Inis	y viviativii Filidi ASSE	sseu renany (aujusted t	or minus)	\$105

Violation No.	1					Percent Interest	Depreciation
						5.0	1
	Itam Cost	Date Required	Final Date	Vrs	Interest Saved	Onetime Costs	EB Amount
Item Description			Tillal Date		111010000000		
Delayed Costs_	 اصل می ماللیان میکند در ا	and the second second second second					
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
gineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
otes for DELAYED costs	ANNUAL	IZE [1] avoided	costs before	enterii	ng item (except	for one-time avoid	ded costs)
						\$0	\$0
. 1						\$0	\$0
[\$0	\$0
				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
		1-Jul-2011	7-Apr-2015	4.69	\$30	\$128	\$158
-TIME avoided costs [3]	\$128	-11 T-701-5011 I					
Avoided Costs Disposal Personnel on/Reporting/Sampling Supplies/Equipment Financial Assurance [2]				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	010

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 6-Apr-2015 8-Apr-2015 Screening 7-Apr-2015 **EPA Due** 30-Jun-2015 RESPONDENT/FACILITY INFORMATION Respondent SHEFFIELD WATER SUPPLY CORPORATION Reg. Ent. Ref. No. RN101452340 Facility/Site Region 7-Midland Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 50344 Docket No. 2015-0535-PWS-E No. of Violations 4 Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Enf. Coordinator Ryan Byer Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$400 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$20 5.0% Enhancement Subtotals 2, 3, & 7 Enhancement for three NOVs with the same/similar violation and a Notes reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** \$0 0.0% Enhancement* Subtotal 6 Total EB Amounts *Capped at the Total EB \$ Amount Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$420 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$420 STATUTORY LIMIT ADJUSTMENT \$420 Final Assessed Penalty

No deferral is recommended for Findings Orders.

0.0%

Reduction

Adjustment

\$0

\$420

DEFERRAL

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.

Screening Date 7-Apr-2015

Docket No. 2015-0535-PWS-E

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent SHEFFIELD WATER SUPPLY CORPORATION

Case ID No. 50344

Reg. Ent. Reference No. RN101452340 Media [Statute] Public Water Supply

Enf. Coordinator Ryan Byer

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3 .	15%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0 .	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No .	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
eat Violator (Subtotal 3)		
N/A	Adjustment Per	centage (Sub	total 3)
npliance Histo	ory Person Classification (Subtotal 7)		
High Per	former Adjustment Per	centage (Sub	total 7)
npliance Histo			
Compliance History Notes	Enhancement for three NOVs with the same/similar violation and a reduction for classification.	High Performer	
	Total Compliance History Adjustment Percentage (Subtotals 2	3, & <i>7</i>)
	History Adjustment	Judiciais Z	·, · / /

Screening Date Respondent	7-Apr-2015 Docket No. 2015-0535-PWS SHEFFIELD WATER SUPPLY CORPORATION	PCW Policy Revision 4 (April 2014)
Case ID No. Reg. Ent. Reference No.	50344	PCW Revision March 26, 2014
Media [Statute]	Public Water Supply	
Enf. Coordinator Violation Number	Ryan Byer 1	
Rule Cite(s)	30 Tex. Admin. Code §§ 290.117(c)(2)(C) and (I)(1) and 290.122(c)	(2)(A) and (f)
Violation Description	Failed to collect lead and copper tap samples at the required five s have the samples analyzed at an approved laboratory, and submit the Executive Director for the January 1, 2012 through Decembe monitoring period and failed to provide public notification and provide public notification to the Executive Director regarding the failure to copper tap samples for the January 1, 2012 through December monitoring period.	the results to r 31, 2014 e a copy of the ollect lead and
		Base Penalty \$1,000
>> Environmental, Prope	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	
OR Actual Potential	X Percent 15.	0%
>>Programmatic Matrix		
Falsification	Major Moderate Minor Percent 0.	0%
Estilura to co		
	llect lead and copper samples and provide public notification could exp Facility to undetected contaminants which would exceed levels protec health.	
	Adjustment	\$850
		\$150
Violation Events		
Number of	/lolation Events 1 1095 Number of violal	lon days
	dally	•
	weekly	
mark only one with an x		Base Penalty \$150
	semiannual annual	
	single event <u>x</u>	
	One single event is recommended.	
Good Faith Efforts to Com	ply 0.0%	Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x) The Respondent does not meet the good faith criteria	for
	Notes this violation.	
· · · · · · · · · · · · · · · · · · ·	Viola	tion Subtotal \$150
Economic Benefit (EB) for	this violation Statutory Li	mit Test
Estimat	ed EB Amount \$188 Violation Final F	Penalty Total \$158
	This violation Final Assessed Penalty (adjuste	ed for limits) \$158

Economic Benefit Worksheet

Respondent SHEFFIELD WATER SUPPLY CORPORATION

Case ID No. 50344

Reg. Ent. Reference No. RN101452340

Media Public Water Supply

Violation No. 1

Percent Interest Years of Depreciation

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description No commas or \$

Delayed Costs

Equipment
Buildings
Other (as needed)
Engineering/Construction
Land
Record Keeping System
Training/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

	and the second second				POST CALLS	·
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
\$100	23-Mar-2015	17-Nov-2015	0.65	\$0	\$4	\$5
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$100	23-Mar-2015	17-Nov-2015	0.65	\$3	n/a	\$3
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$25	10-Jan-2015	17-Nov-2015	0.85	\$1	n/a	\$1

The other delayed costs include the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel at approved sample locations, analyzed by the Facility's laboratories, and reported to the Executive Director, calculated from the date of the record review to the estimated date of compliance.

Notes for DELAYED costs

The other delayed costs include the estimated amount to ensure that all delinquent public notifications (\$25 per notification x one notification) are provided to persons served by the Facility and a copy of the public notification is provided to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.

The delayed costs for training include the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

Avoided Costs

Disposal
Personnel
Inspection/Reporting/Sampling
Supplles/Equipment
Financial Assurance [2]
ONE-TIME avoided costs [3]
Other (as needed)

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)										
			0.00	\$0	\$0	\$0				
			0.00	\$0	\$0	\$0				
F 3			0.00	\$0	\$0	\$0				
			0.00	\$0	\$0	\$0				
			0.00	\$0	\$0	\$0				
\$150	1-Jan-2012	31-Dec-2014	3.92	\$29	\$150	\$179				
			0.00	\$0	\$0	\$0				

Notes for AVOIDED costs

The avoided costs include the estimated amount to collect and have all lead and copper samples analyzed (\$30 per sample x five samples x one monitoring period), calculated for the monitoring periods in which the samples were required.

				 ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Approx. Cost of Compliance	\$375		TOTAL	\$188

Case ID No.	SHEFFIELD WATER SUPPLY CORPORATION 50344	PCW cy Revision 4 (April 2014)
Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number	Public Water Supply	Revision March 26, 2014
Rule Cite(s)	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)	
Violation Description	Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information ir the CCR is correct and consistent with compliance monitoring data for the years 2011, 2012 and 2013.	
	Base Penalty	\$1,000
>> Environmental, Proper	ty and Human Health Matrix Harm	
OR Release	Major Moderate Minor	-
Potential	Percent 0.0%	,
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Major Moderate Minor X Percent 5.0%	
Matrix		
Notes	100% of the rule requirement were not met.	
	Adjustment \$950	
	\$550	\$50
Violation Events		400
Number of Vi	plation Events 3 1095 Number of violation days	
	dally	
	weekly monthly	
mark only one with an x	quarterly Violation Base Penalty	\$150
	annual single event x	
	^	:
	Three single events are recommended.	
Good Faith Efforts to Comp	Villege and the second	
,	Y 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Reduction	\$0
	Ordinary	
	N/A X ((mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation.	; ;
	Walania C. C. C.	
conomic Benefit (EB) for t	Violation Subtotal Statuton Subtotal	\$150
CONTRACTOR SEGMENT OF THE SECRET AND SECRET	This violation Final Assessed Penalty (adjusted for limits)	\$158
	Citaty (adjusted for limits)	\$158

	- E	conomic I	Benefit	WO	rksheet		
Respondent	SHEFFIELD W	ATER SUPPLY COR	PORATION				
Case ID No.						•	
g. Ent. Reference No.		ı					
	Public Water S					and the second s	Years of
The state of the s		appiy				Percent Interest	Depreciatio
Violation No.	: 4				ga grandintinui		. 1 An s and 1, 101 and
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	110 001111103 01 4						
Delayed Costs	e de la companya de l					*	
	السنسنسنسن	7		0.00	\$0	\$0	\$0
Equipment Buildings	<u></u>			0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction		1		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enteri	ng item (except	for one-time avoi	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment							\$0
Financial Assurance [2]							\$0
	\$384	1-Jul-2012	7-Apr-2015				\$455
ONE-TIME avoided costs [3]			f	11 0.00	\$0	1 \$0	
	\$384	1-Jul-2012	7-Apr-2015	0.00 0.00 3.68 0.00	\$0 \$0 \$71 \$0	\$0 \$0 \$384 \$0	
	The avoided	Least includes the	ectimated amo		prepare and mail (\$0 2011 2013
ONE-TIME avoided costs [3]	The avoided and 2013 Co	CRs to the custom	ers of the Facili	unt to ty and	to TCEQ ((\$0.50 x	or directly deliver th 156 connections) 4 the screening date	e 2011, 2012 - \$50 for thre

Respondent SHEFFIELD WATER SUPPLY CORPORATION Rose ID No. 50344 Reg. Ent. Reference No. RX10145240 Media (Statute) Public Water Supply Enf. Coordinator Ryan Byer Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f) Falled to provide the public notification and submit a copy of the public notification to the Executive Director regarding the fallure to conduct routine coliform monitoring for the months of December 2011 and September 2012. **September 2012** **Base Penalty** St.,000 **Percent** **Dispersion** Release** Major Moderate** Minor Potential **Percent** **Programmatic Matrix** Falsification Major Moderate** Minor Matrix Rotes **Number of Violation Events** **Number of Violation Events** **Violation Events** **Violation Events** **Two single events are recommended.** Good Faith Efforts to Comply** **Two single events are recommended.** Good Faith Efforts to Comply** **Notes** **Two single events are recommended.** **Violation Subtotal** **Violation Final Penalty Total** **Violation Subtotal** **Violation Subtotal** **Violation Subtotal** **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **Violation Final Penalty Total** **Violation Subtotal** **Violation Subtotal** **Violation Final Penalty Total** **Violation Final Pen	Reg. Ent. Reference No. M101452340 Media [Statute] Public Water Supply Enf. Coordinator Ryan Byer Violation Number Rule Cite(s) January Statute	Screening Dat			Docket No. 20	15-0535-PWS-E	PCW
Reg. Ent. Reference No. RN101452340 Media [Statute] Dublic Water Supply Enf. Coordinator No. Syan Syer Violation Number Rule Cite(e) Violation Description Falled to provide the public notification and submit a copy of the public notification to the Executive Director regarding the fallure to conduct routine collorm monitoring for the months of December 2011 and September 2012. **Programmantal** Release Major Moderate Minor Release Major Moderate Minor Percent 0.0% **Programmantal** Release Major Moderate Minor Percent 5.0% **Notes 100% of the rule requirements were not met. **Notes 100% of the rule requirements were not met. **Violation Events** Number of Violation Events 2 182 Number of violation days **Settlemula! Settlemula! S	Reg. Ent. Reference No. RN1014523490 Media [Statute] Public Water Supply Enf. Coordinator Ryan Byer Violation Number of Violation Property and Human Health Matrix Notes Notes Notes Notes Number of Violation Prents Number of Violation Events Num			R SUPPLY CORPORA	TION		
Media [Statute] Public water Supply	Media Statute Public water Supply Enf. Coordinator Xyan Byer Violation Number Xandrian Xandria						PCW Revision March 26, 2014
Second Faith Efforts to Comply Syer Stock	Finf. Coordinator Nyan Byer Violation Number 3 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)						
Violation Number 3 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	Violation Number 3 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	media (Statute	Public Water Supp	ыу			
Violation Description Falled to provide the public notification and submit a copy of the public notification to the Executive Director regarding the falliure to conduct routine coliform monitoring for the months of December 2011 and September 2012. Sase Penalty	Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)						
Violation Description Failed to provide the public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct nutrine coliform monitoring for the months of December 2011 and September 2012. Servironmental, Property and Human Health Matrix Release Major Moderate Minor Actual Potential Percent 0.0% >> Progriammatic Matrix Notes 100% of the rule requirements were not met. Adjustment 9950 Violation Events Number of Violation Events 2 182 Number of violation days Violation Events Number of Violation Events 2 182 Number of violation days Two Single events are recommended. Good Faith Efforts to Comply Outgray Violation Events 2 182 Number of Violation Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal 3100 Economic Benefit (EB) for this violation Statutory Limit Test	Falled to provide the gublic netification and submit a copy of the public netification to the Executive Director regarding the failure to conduct routine colliform monitoring for the months of December 2011 and September 2012. September 2011 and September 2012. Sase Penalty \$1,000 Sase Penalty \$1,00		[L				
Violation Description to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012. Base Penalty	Violation Description to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012. Base Penalty \$1,000	Note of the Control o	''∥	30 Tex. Admin. Cod	e § 290.122(c)(2)(A) and (f)	
Violation Description to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012. Base Penalty	Violation Description to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012. Base Penalty \$1,000	44100					
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 0.0% >> Programmatic Matrix Faisfication Major Moderate Minor Faisfication Major Moderate Minor Notes	>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Percent 0.0%	Violation Descriptio	n to the Execu	itive Director regard	ing the failure to co	nduct routine coliform	
Harm Moderate Minor Percent 0.0%	Actual Potential Percent Perce					Base Pe	nalty \$1,000
Harm Moderate Minor Percent 0.0%	Actual Potential Percent Perce			- 13 - 14 - 14 - 15 - 15 - 15 - 15 - 15 - 15			
Release Major Moderate Minor	Release Major Moderate Minor Percent 0.0%	-> chivinolimental, Flopi	city and numai				
>> Programmatic Matrix Falsification Major Moderate Minor Author Percent 5.0% Matrix Notes 100% of the rule requirements were not met. Notes 100% of the rule requirements were not met. Adjustment 950 \$50 \$50 Violation Events \$182 Number of violation days	Potential Percent 0.0% > Programmatic Matrix Falsification Major Moderate Minor Falsification X Percent 5.0% Matrix Notes 100% of the rule requirements were not met. Matrix Notes 100% of the rule requirements were not met.	808868888888448080	e Major				
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Falsification Major Moderate Minor Percent 5.0%	Falsification Major Moderate Minor X	>>Droorsmostic Makiy					
Matrix Notes 100% of the rule requirements were not met. Adjustment \$950 \$50 Violation Events Number of Violation Events Number of Violation Events 100% of the rule requirements were not met. Adjustment \$950 \$50 Violation Events Number of Violation Events Violation Base Penalty \$100 \$100 Figure Extraordinary Ordinary N/A X (mark with x) Notes Notes Notes Notes Notes Notes Notes Notes Statutory Limit Test	Matrix Notes 100% of the rule requirements were not met.		n Maior	Moderate Minor	•		
Matrix Notes 100% of the rule requirements were not met. Adjustment \$950 \$50 Violation Events Number of Violation Events 2 182 Number of violation days Violation Base Penalty \$100 With an x Violation Base Penalty \$100 Two single event x Two single events are recommended. Good Faith Efforts to Comply 0.0% Before NOE/NOV NOE/NOV to EDPRY/Settlement Offer Extraordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Matrix Notes Adjustment \$950 \$50	T G. CHINGGE GO		THE TANKS		rcent 5.0%	
Notes Adjustment \$950	Notes Adjustment \$950				di		
Notes Adjustment \$950	Notes Adjustment \$950	NA Ludio					
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Violation Events Number of Violation Events	Violation Events Number of Violation Events 2 182 Number of violation days daily	Hotes					
Violation Events Number of Violation Events	Violation Events Number of Violation Events Violation Events 2	Manager of the American Property of the Americ					
Number of Violation Events 2 182 Number of violation days dally weekly monthly quarterly semiannual annual sligle event x Two single events are recommended. Good Faith Efforts to Comply 0.0% Before NOE/NOV to EDPRR/Settlement Offer Extraordinary Ordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Number of Violation Events 2 182 Number of violation days daily				Adjus	ment	\$950]
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Number of Violation Events 2 182 Number of violation days daily	Number of Violation Events 2 182 Number of violation days daily	3					
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dally veekly monthly quarterly semiannual single event x Two single events are recommended.	Mark only one with an x Wiolation Base Penalty \$100	N	E Violetian Frank				
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weekly monthly wounterly semiannual annual single event x wounterly semiannual annual single event x wounterly semiannual annual single event x wounterly wounte	Weekly		dally T				
Good Faith Efforts to Comply Serior NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X Image events are recommended. \$0 Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X Image events are recommended. \$0 Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X Image events are recommended. \$0 Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X Image events are recommended. \$100 Sefore NOE/NOV noe/Nov to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Good Faith Efforts to Comply Semiannual annual single event x Two single events are recommended. Good Faith Efforts to Comply Sefore NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Estimated EB Amount \$9 Violation Final Penalty Total \$105	* 100					
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Two single events are recommended. \$0 Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Two single events are recommended. Two single events are recommended. Two single events are recommended. Sometimes are recomm		quarterly			Violation Base Pe	nalty \$100
Two single events are recommended. Two single events are recommended. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Two single events are recommended. Two single events are recommended. Sometimes of the state of the stat						
Two single events are recommended. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$9 Violation Final Penalty Total \$105	3 1					
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Good Faith Efforts to Comply Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A X (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Estimated EB Amount \$9 Violation Final Penalty Total \$105						
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$9 Violation Final Penalty Total \$105		Т	wo single events are	recommended.		
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Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test	Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$100 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$9 Violation Final Penalty Total \$105	The second second of the second secon		Rastakan halikhir		which is a straight and the straight and	
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Ordinary N/A	Ordinary N/A	4 4 4		TE NOE/NOV	to EDPRP/Settlement O	iter	
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•	Case ID No.	50344			PCW Revision March 26, 2014
Reg. Ent. Re					
		Public Water Supply	1		
	Coordinator				
Viol	ation Number Rule Cite(s)				
	Rule Cite(s)	30 Tex	. Admin Code § 291.76	and Tex. Water Code § 5.702	
Violatio	on Description			es for the TCEQ Public Utility Acco Necessity No. 10247 for calenda 3.	
·				Base	Penalty \$1,000
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Item Description	No commas or \$						
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Delayed Costs					<u> </u>		- +0
Equipment				0.00	\$0	\$0	\$0 \$0
Buildings				0.00	\$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Engineering/Construction				0.00	\$0	n/a	\$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System				0.00		n/a	\$0 \$0
Training/Sampling				0.00	\$0 \$0	n/a	\$0 \$0
Remediation/Disposal				0.00		n/a	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs				Not app	olicable.		
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enteri	ng item (except	for one-time avoi	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs		:		Not app	olicable.		
Approx. Cost of Compliance		\$0			TOTAL		\$(

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600636708, RN101452340, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Owner/Operator:	, or CN600636708, SHEFFIELD CORPORATION	WATER SUPPL	Classification: н	IGH	Rating	j: 0.00
Regulated Entity:	RN101452340, SHEFFIELD) WSC	Classification: N	IOT APPLICAE	BLE Rating	J: N/A
Complexity Points:	N/A		Repeat Violator:	N/A		
CH Group:	14 - Other		MANUMA .			
ocation:	841 PINE STREET IN SHEF	FIELD, PECOS C	COUNTY, TEXAS			
CEQ Region:	REGION 07 - MIDLAND			•		· · · · · · · · · · · · · · · · · · ·
ID Number(s): PUBLIC WATER SYSTEM/S	SUPPLY REGISTRATION 18600	004				
Compliance History Day	Contambas 01 2000 a		114 D-11 W	2014	Rating Date:	09/01/201
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•	***************************************	April 06, 2015	mating Year:	2017	·	-
Date Compliance Histor	***************************************	April 06, 2015		2014	,	
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Final Orders, court judgments, and consent decrees:

B. Criminal convictions:

Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1

February 17, 2011

(899219)

Item 2 June 05, 2013 (1095112)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date:

10/16/2014

(1241115)

CN600636708

Self Report? NO Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2013 - The system failed to provide the Consumer Confidence Report (CCR) for

2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

2

Date: 1:

11/10/2014 (:

(1241115)

CN600636708

Self Report? Citation:

? NO

30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description:

LCR RD MR 3Y2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2012

to 12/31/2014 within the required timeline.

3

Date:

03/16/2015

(1241115)

CN600636708

Self Report? NO

110

Classification:

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

LCR RD MR PN 3Y2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 4/6/2010 and 4/6/2015

1

Date:

12/12/2011

(1241115)

CN600636708

Self Report? NO

For Informational Purposes Only derate 30 TAC Chapter 290, Subchapter H 290.271(b)

Citation:

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2010 - The system failed to provide the Consumer Confidence Report (CCR) for 2010 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

2

Date:

06/14/2012

(1241115)

CN600636708

Self Report?

NO

For Informational Ptirboses Only derate 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Citation:

30 TAC Chapter 290, SubChapter F 290,122(f)

Description:

DEC/2011 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of

12/2011.

3

Date:

01/29/2013

(1241115)

CN600636708

Citation:

Self Report? NO

For Informational Ptirioses Only derate 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

SEP/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 09/2012.

Date:

06/14/2013

(1241115)

CN600636708

Self Report?

NO

For Informational Pclassifications Only derate 30 TAC Chapter 290, SubChapter H 290.271(b)

Citation:

30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

5*

Date:

11/14/2013 Self Report?

(1241115)

CN600636708

Citation:

For Informational Ptirposes Only derate 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

6

Date:

10/16/2014

(1241115)

CN600636708

Self Report? Citation:

For Informational Pclassifications Only derate 30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)

Description:

CCR 2013 - The system failed to provide the Consumer Confidence Report (CCR) for 2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

7

Date:

11/10/2014

(1241115)

CN600636708

Self Report?

For Informational Purposes Only derate 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)

Citation:

30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description:

LCR RD MR 3Y2014 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2012

to 12/31/2014 within the required timeline.

Date:

03/16/2015 NO

(1241115)

CN600636708

Citation:

For Informational Pclassifications Only 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

Self Report?

LCR RD MR PN 3Y2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting

violation for the triennial reduced monitoring period from 01/01/2012 to 12/31/2014.

Appendix B

All Investigations Conducted During Component Period April 06, 2010 and April 06, 2015

Item 1*	February 17, 2011**	For Triformational Purposes Only
Item 2*	June 05, 2013**	For 1956 mational Purposes Only
Item 3	March 31, 2015	For Info mational Purposes Only
Item 4	April 03, 2015	For Informational Purposes Only

^{*} No violations documented during this investigation

^{*} NOVs applicable for the Compliance History rating period 9/1/2009 to 8/31/2014

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2009 and 08/31/2014.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
SHEFFIELD WATER SUPPLY	§	TEXAS COMMISSION ON
CORPORATION	§	
RN101452340	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-0535-PWS-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SHEFFIELD WATER SUPPLY CORPORATION ("the Respondent") under the authority of Tex. Health & Safety Code ch. 341 and Tex. Water Code ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located at 841 Pine Street in Sheffield, Pecos County, Texas (the "Facility") that has approximately 156 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. During a record review conducted from March 23, 2015 through April 3, 2015, TCEQ staff documented the Respondent did not collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director for the January 1, 2012 through December 31, 2014 monitoring period and did not provide public notification and provide a copy of the public notification to the Executive Director regarding the failure to collect lead and copper tap samples for the January 1, 2012 through December 31, 2014 monitoring period.
- 3. During a record review conducted from March 23, 2015 through April 3, 2015, TCEQ staff documented the Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and did not to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the years 2010, 2011, 2012 and 2013.
- 4. During a record review conducted from March 23, 2015 through April 3, 2015, TCEQ staff documented the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012.
- 5. During a record review conducted on April 7, 2015, TCEQ staff documented the Respondent did not to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10247 for calendar year 2013.
- 6. The Respondent received notice of the violations on or about April 10, 2015.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director and failed to provide public notification and provide a copy of the public notification to the Executive Director

- regarding the failure to collect lead and copper tap samples, in violation of 30 Tex. ADMIN. CODE §§ 290.117(c)(2)(C) and (i)(1) and 290.122(c)(2)(A) and (f).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 Tex. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide the public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring, in violation of 30 Tex. ADMIN. CODE § 290.122(c)(2)(A) and (f).
- 5. As evidenced by Findings of Fact No. 5, the Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10247 for calendar year 2013, in violation of 30 Tex. ADMIN CODE § 291.76 and Tex. Water Code § 5.702.
- 6. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of Five Hundred Twenty-Five Dollars (\$525) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Five Hundred Twenty-Five Dollar (\$525) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Twenty-Five Dollars (\$525) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: SHEFFIELD WATER SUPPLY CORPORATION, Docket No. 2015-0535-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122;
 - ii. Provide public notification regarding the failure to collect lead and copper samples for the January 1, 2012 through December 31, 2014 monitoring period and the failure to conduct routine coliform monitoring for the months of December 2011 and September 2012, and provide a copy of each public notification to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122;
 - iii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 or the most current year to each customer of the Facility, in accordance with 30 Tex. ADMIN. CODE § 290.274;
 - iv. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected at approved sample locations, analyzed by an approved laboratory, and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 Tex. Admin. Code § 290.117; and
 - v. Submit payment for all outstanding regulatory assessment fees for TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10247 for calendar year 2013. The payment, along with the associated Revenue and Regulatory Assessment Report(s), shall be sent to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

SHEFFIELD WATER SUPPLY CORPORATION DOCKET NO. 2015-0535-PWS-E Page 5

- b. Within 45 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iv; and
 - ii. Submit to the TCEQ a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.;
- d. Within 90 days after the effective date of this Agreed Order, begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 Tex. Admin. Code § 290.117. This provision will be satisfied upon one annual compliant monitoring period; and
- e. Within 470 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

SHEFFIELD WATER SUPPLY CORPORATION DOCKET NO. 2015-0535-PWS-E Page 6

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission,

SHEFFIELD WATER SUPPLY CORPORATION DOCKET NO. 2015-0535-PWS-E Page 7

including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. Pursuant to 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

11/3/15

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For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	Date
I, the undersigned, have read and understand the attack SHEFFIELD WATER SUPPLY CORPORATION. I am a Agreed Order on behalf of SHEFFIELD WATER SUPPI specified terms and conditions. I further acknowledge the penalty amount, is materially relying on such represent	authorized to agree to the attached LY CORPORATION, and do agree to the that the TCEQ, in accepting payment for
I understand that by entering into this Agreed Order, Si CORPORATION waives certain procedural rights, inclu formal notice of violations addressed by this Agreed Orright to an evidentiary hearing, and the right to appeal. in lieu of an evidentiary hearing. This Agreed Order conthe Commission of the violations set forth in this Agree	ding, but not limited to, the right to der, notice of an evidentiary hearing, the I agree to the terms of the Agreed Order astitutes full and final adjudication by
 I also understand that failure to comply with the Order and/or failure to timely pay the penalty amount, may re A negative impact on compliance history; Greater scrutiny of any permit applications subned additional penalties, and/or attorney General's Order additional penalties in any future enforcement and Automatic referral to the Attorney General's Officiand TCEQ seeking other relief as authorized by law. 	esult in: mitted; ffice for contempt, injunctive relief, a collection agency; ctions; fice of any future enforcement actions;
Signature ODY ARBKOUGH Name (Printed or typed) Authorized Representative of SHEFFIELD WATER SUPPLY CORPORATION	ents may result in criminal prosecution. Date President Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.